

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

)	Chapter 11
In re:)	Case No. 00-1982 (GMS)
)	
GST TELECOM INC., <u>et al.</u> ,)	Jointly Administered
)	
Debtors.)	
)	
)	
)	
)	
)	
GST TELECOM INC., <u>et al.</u> ,)	Civil Docket No. 04-CV-1380
)	
Counterplaintiffs,)	
)	
v.)	
)	
JOHN WARTA,)	
)	
Counterdefendant.)	

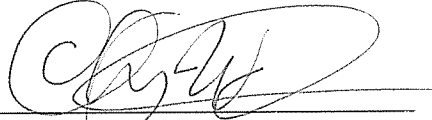
**STIPULATION OF DISMISSAL PURSUANT TO RULE 41(a)(1)(ii)
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

PLEASE TAKE NOTICE that pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, GST Telecom, Inc., et al. (the “Counterplaintiffs”) and John Warta (the “Counterdefendant”), hereby stipulate to voluntarily dismiss the Amended Counterclaim filed against the Counterdefendant with prejudice. Pursuant to that certain Settlement and Release Agreement between the Counterplaintiffs and Counterdefendant, which was approved by the United States District Court for the District of Delaware on December 15, 2005, Counterdefendant’s claims against Counterplaintiffs have been deemed withdrawn and disallowed in full.

Dated: Wilmington, Delaware

December 16, 2005

THE BAYARD FIRM



Neil B. Glassman (No. 2087)
Steven M. Yoder (No. 3885)
Christopher A. Ward (No. 3877)
222 Delaware Avenue
Suite 900
P.O. Box 25130
Wilmington, Delaware 19899
(302) 655-5000

-and-

David S. Heller
William J. Gibbons
Josef S. Athanas
Michael J. Faris
Danielle S. Kemp
LATHAM & WATKINS LLP
Suite 5800 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
(312) 876-7700

Attorneys for Counterplaintiff



Phillip Trainer
Ricardo Palacio (# 3765)
Ashby & Geddes
222 Delaware Avenue
17th Floor
Wilmington, Delaware 19899

-and-

Joseph C. Arellano
KENNEDY, WATTS, ARELLANO
& RICKS, LLP
2850 Pacwest Center
1211 SW Fifth Avenue
Portland, Oregon 97204
(503) 228-6191

Attorneys for Counterdefendant